

OLD-FASHIONED PICNIC HONORS JUDGE GILBERT

For His Interest in Children



THE FLYING JUDGE



The people of the 13th judicial circuit, comprising Antrim, Charlevoix, Grand Traverse and Leelanau Counties, including the Beaver, Fox and Manitow Islands, are fast becoming acquainted with "Old Yaller," as Judge Charles L. Brown affectionately calls his 1946 model four-passenger yellow Fairchild, as he flies from the Traverse City Airport to Charlevoix and Bellaire, where he regularly holds court.

Circuit Judge Fitzpatrick dead after 3-month illness

TRAVERSE CITY — Circuit Court Judge James M. Fitzpatrick died Sunday evening at Munson Medical Center after a three-month illness. He was 65.

A native of East Liberty, Pa., he later moved to Detroit where he was graduated from the Detroit College of Law. In 1929 he began his law career in Sault Ste. Marie and served as Leelanau County Prosecuting Attorney from 1932 to 1938.

Moving to Traverse City, he entered law practice with Attorney C. L. Doston. In 1941 he was elected for the first of two terms as municipal judge of Traverse City.

In 1965 and 1964 he served as president of the Grand Traverse, Antrim, Leelanau Bar Association, and in 1968 he was elected Circuit Judge of the 13th Judicial Circuit, a position he held until his death.

Judge Fitzpatrick is survived by his widow, Helen, of 1931 Ross Lake Road, a Minneapolis woman he married in 1947, and five nieces and nephews. He was preceded in death by his parents and a sister.



JAMES M. FITZPATRICK

Funeral services are scheduled for 2 p.m. Wednesday at the Reynolds Funeral Home.

Ministerial services will be directed by the American Cancer Society of the Salvation Army.

TC Attorney Announces Circuit Judge Candidacy

William R. Brown today announced that he is a candidate for circuit court judge in the Thirteenth Judicial Circuit, composed of Leelanau, Grand Traverse, Antrim and Charlevoix counties. He, his wife Bea, and their four children, reside at 615 North Elmwood in Traverse City. He has practiced law for 15 years.

In announcing his candidacy, Brown said: "Our circuit court will be faced with many problems, resulting from the population growth we are experiencing. The court is responsible to the people of the circuit to grow with the needs, to avoid some of the troubles common to large metropolitan areas."

"My wife and I are natives of Northern Michigan and we are convinced that this is the right environment to raise a family. As parents, we appreciate the need for a stable and reliable system of courts and laws that can protect our rights and give us the opportunity to progress as society changes."

"Many of my acquaintances have urged me to become a can-



WILLIAM R. BROWN

didate for circuit judge. I am honored that they consider me qualified for this important position. I consider this to be a great challenge and a real opportunity for public service."

Brown was born in Sault Ste. Marie in 1925. His parents were

in the grocery business, and he grew up in Sault Ste. Marie and Charlevoix. He received his B.A. from the University of Michigan and graduated from the U. of M. Law School — Juris Doctor with distinction. Brown served six years in the U. S. Air Force as a contracting agent stationed in Detroit. He immediately prior to moving to Traverse City in 1950.

Brown has an extensive record of community service. He currently serves as board member and vice president of the Michigan Children's Aid and Family Services, board member and ex officio of the Astbury United Methodist Church, board member and past president of Traverse City Lions Club, former board member of the Common Grand Traverse District Board of Lions, past president of William 1961 P.T.A. and currently working with Cub Scouts. He has served on the Chamber of Commerce, was named "Boss of the Year" in 1967 by the Local Secretaries Association. (Continued on Page 6)



CHARLES M. FORSTER, right, is congratulated by Judge William R. Brown, left, Tuesday following Forster's swearing-in ceremony. Forster was elected judge in the 13th judicial circuit in the Novem-

ber general election, and now Judge Brown, who has been serving since his election in 1972. The seat being taken by Forster was held by Judge James Fitzpatrick, who died last summer. (R-S staff photo)

THIRTEENTH CIRCUIT COURT ANNUAL REPORT 2000

The Thirteenth Judicial Circuit Court

Annual Report

2000

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INTRODUCTION

Welcome to the Thirteenth Judicial Circuit Court. With the passing of the 20th Century, we would like to take an opportunity to reflect with you upon the history of this Court. Today the Thirteenth Circuit encompasses Antrim, Grand Traverse and Leelanau Counties, but this was not always the case. Michigan was carved from the northwest territory and became a state in 1836. Northern Michigan was politically unorganized and sparsely settled. This part of the state, along with the remaining unorganized north, was included in the legal territory called Michilimackinaw. Lawsuits were first heard in the eighth circuit and, later, the ninth. The first term of the court was held in the house of Thomas Cutler, then standing on the corner of Front and Union Streets in Traverse City, in 1853 with the Honorable George Martin of the eighth circuit presiding. The first Grand Traverse County courthouse, a wooden structure, was built on its present site in 1854 at a total cost of \$900.

The first recorded trial by jury was that of James E. Scott for murder in 1855. That trial lasted two days, and the jury found Mr. Scott guilty of murder in the second degree. He was sentenced to imprisonment in the state prison for fifteen years. The Honorable Flavius J. Littlejohn held court locally as part of the ninth circuit. Difficulty in traveling north by horse and carriage on often impassable roads did not enhance Judge Littlejohn's reputation for attendance in Court nor cause him to be a favorite of the local press. In 1861, the original wooden Grand Traverse County courthouse and jail were completely destroyed by fire. It would be nearly 40 years before Grand Traverse County would have a new courthouse.

In 1865 the Legislature organized the thirteenth circuit. It included all of the territory that was or would become the 19 counties north of US-10 and east of I-75. Grand Traverse County had been organized in 1851. Leelanau and Antrim Counties had been organized in 1863. These counties were always part of the thirteenth circuit. With the growth of the area due to the lumber industry and the extension of roads and railroads into the northern territory, the land mass included in the thirteenth circuit shrank rapidly. In 1875, it was reduced to nine counties. In 1893, it was again reduced to include only four counties - Grand Traverse, Leelanau, Antrim and Charlevoix - which is the way it remained until 1973 when Charlevoix was removed from the circuit.

The first judge of the thirteenth circuit was the Honorable J.G. Ramsdell who was appointed in 1866. Judge Ramsdell was succeeded by the Honorable Reuben Hatch who served one term. Judge Ramsdell was again elected in 1881, and again in 1887, holding office until January 1, 1894. In 1893, Roscoe L. Corbett, of Charlevoix County, was elected. He held office until 1898 when he was shot while on a hunting trip in the Upper Peninsula. In 1899, Frederick W. Mayne, of Charlevoix, was appointed to complete the one year remaining of Judge Corbett's term. Without a courthouse, these Judges utilized rented space at the corner of Front and Park Streets, except for Judge Manye who held court in

Charlevoix during his tenure.

Construction on the new Grand Traverse County Romanesque-style courthouse was completed in 1900 at a cost of \$36,400. The first session of circuit court was held in the new courthouse on April 16, 1900. At about the same time, Antrim County constructed a similar Romanesque-style courthouse in Bellaire.

Judge Mayne was successfully reelected until 1923 when he was challenged by Traverse City's Parm Gilbert who prevailed in the election. Judge Gilbert served until 1947. He was succeeded by "the Flying Judge" Charles Brown. In 1969, a second circuit judgeship was added and a former municipal judge and Leelanau County prosecutor, Honorable James Matthew Fitzpatrick, was elected to that position. Judge William R. Brown succeeded Judge Charles Brown in 1972. The next year, Charlevoix County was removed from the thirteenth circuit. In 1974, the Honorable Charles M. Forster succeeded Judge Fitzpatrick who withdrew his bid for re-election for health reasons.

During Judges Brown and Forster's early years on the bench, the Grand Traverse County courthouse was remodeled at a cost of 1.7 million dollars. In 1990, the Antrim County courthouse was also extensively remodeled.

Today, the Honorable Philip E. Rodgers, Jr. and Thomas G. Power fill the two thirteenth circuit court judgeships. The Circuit Court is a trial court of general jurisdiction which hears civil cases involving damages or loss of \$25,000 or more, matters in equity including such things as requests for injunctive relief, domestic relations matters, appellate review of lower courts and tribunals, and criminal felony cases. The Family Division of the Circuit Court, which was created in 1998, has jurisdiction over juvenile criminal cases, child abuse and neglect, guardianships of juveniles, and adoption proceedings, as well as domestic relations matters. Each County Probate Judge is the Presiding Judge of the Family Division within his county of election for a term ending December 31, 2001. The Chief Judge of the Circuit is responsible for the supervision of the Family Division.

JUDGES OF THE THIRTEENTH JUDICIAL CIRCUIT COURT

Circuit Court Judges Philip E. Rodgers, Jr. and Thomas G. Power serve their constituents as Circuit Court Judges in all three counties and preside over all Grand Traverse County cases encompassed within the jurisdiction of the Family Division that do not involve minor children. Judicial assignments are made by a random, alternating case selection process.

HON. PHILIP E. RODGERS, JR.



Judge Rodgers was first elected to the bench in 1990, and was re-elected without opposition in 1996. Judge Rodgers served as Chief Judge from 1992 through 1997. Prior to assuming the bench, the Judge was a partner and trial attorney in the law firm of Menmuir, Zimmerman, Rollert and Kuhn.

Judge Rodgers graduated in 1978 from the University of Michigan Law School. He had previously obtained his undergraduate degree from the University. He also received a Masters of Public Policy Degree from the University in 1977.

As a college student, the Judge was a Rotary International Graduate Fellow and spent a year in England studying public finance economics. Later, the Judge joined the Traverse City Rotary Club and served for six years on the Board of Directors of Rotary Charities.

Judge Rodgers has served his community through participation on the City Commission for four years, and was Mayor of the City of Traverse City in 1989. The Judge continues to be a trustee of the National Cherry Festival.

The Judge is married and has four children.

HON. THOMAS G. POWER



Judge Power is a native of Traverse City. He was elected to the bench in 1992. He began serving his second term on the bench January 1, 1999, after running for re-election without opposition. Judge Power now serves as Chief Judge of the Circuit Court.

Prior to his election, Judge Power served in the Michigan State Legislature for ten years. Among his committee assignments was the House Judiciary Committee. Judge Power practiced law in Traverse City with the law firm of Elhart and Power.

Judge Power graduated from the University of Michigan Law School in 1974, having first obtained his undergraduate degree from Carleton College in Northfield, Minnesota. Judge Power later obtained a Masters Degree in taxation from New York University in 1978. He is a 1968 graduate of Traverse City High School.

Judge Power is a member of the Traverse City Rotary Club, a past Traverse City School Board member and past member of the Grand Traverse/Leelanau Mental Health Board.

The Judge is married and has two children.

JUDGES OF THE FAMILY DIVISION

HON. JOHN D. FORESMAN



Judge Foresman serves as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments. Effective January 1, 1998, Judge Foresman also serves the Family Division by presiding over all Grand Traverse County cases encompassed within the jurisdiction of the Family Division which involve minor children.

Judge Foresman was first elected Grand Traverse County Probate Judge in 1988 and began serving in that capacity on January 1, 1989. He was re-elected without opposition in 1994. Judge Foresman decided not to seek re-election this year and retired on December 31, 2000..

Prior to taking the bench, Judge Foresman was the Prosecuting Attorney for Grand Traverse County. Judge Foresman moved to Traverse City after practicing as an assistant prosecuting attorney for Wayne County.

Judge Foresman received his law degree from the Detroit College of Law after obtaining his undergraduate degree from Michigan State University.

The Judge is married and has three children.

HON. JOHN W. UNGER



Judge Unger serves his constituents as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments. Effective January 1, 1998, Judge Unger also serves the Family Division by presiding over all Antrim County cases encompassed within the jurisdiction of the Family Division.

Judge Unger graduated from Bellaire High School. He received his undergraduate degree from Dartmouth College and his law degree from the University of Michigan.

Prior to his election to the bench in 1976, Judge Unger had a private law practice in Bellaire. Initially Probate Judge in Antrim Court was a part-time position. When Antrim County became entitled to a full time judge, Judge Unger became that judge. He is the only person to ever fill this position. He has been successfully re-elected on three occasions. Judge Unger also retired on December 31, 2000.

Judge Unger is married and has two children.

HON. JOSEPH E. DEEGAN



Judge Deegan serves his constituents as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments. Effective January 1, 1998, Judge Deegan also serves the Family Division by presiding over all Leelanau County cases encompassed within the jurisdiction of the Family Division.

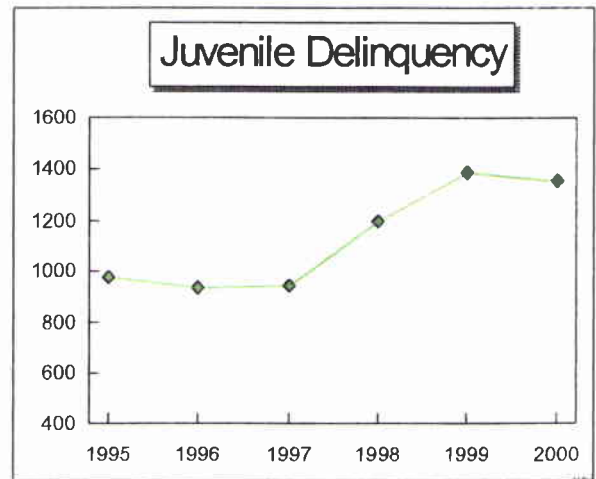
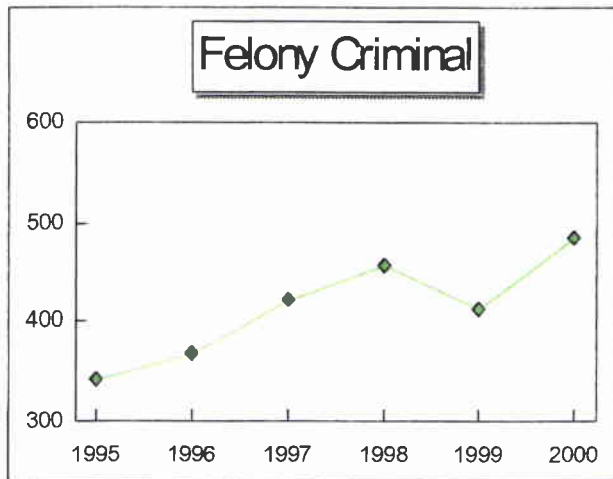
Judge Deegan was first elected Probate Judge for Leelanau County in 1988. He took office on January 1, 1989 and was re-elected without opposition to a second term in November of 1994 and a third term in November of 2000. Prior to taking the bench, Judge Deegan was Leelanau County Prosecuting Attorney for two terms from 1981 to 1988.

Judge Deegan earned his law degree from the University of Detroit Law School in 1963 after obtaining his undergraduate degree from Sacred Heart Seminary College in Detroit.

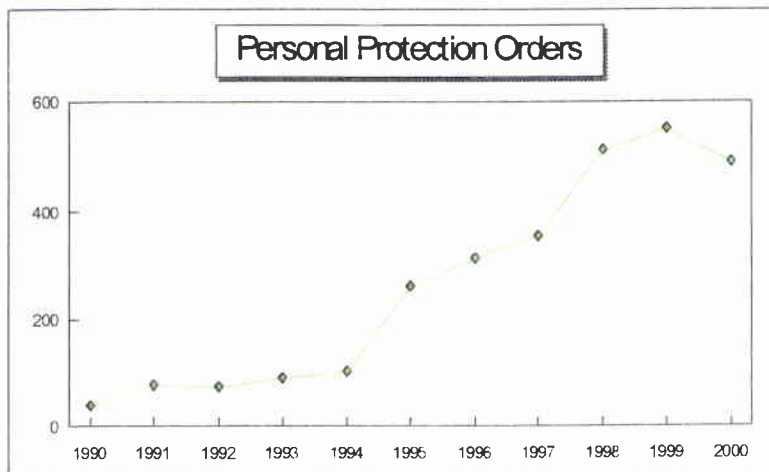
Judge Deegan and his wife Jeanne have seven children and two grandchildren.

CIRCUIT COURT CASE LOAD

Various trends in the case filings have emerged over the past decade. The follow graph shows an increase in the criminal felony case load since 1995. This increase is due in part to many years of effective drunk driving enforcement resulting in more felony drunk driving cases being brought to the Circuit Court. Another component of this increase is theft related offenses, especially cases involving embezzlement. Most crime still has poor education, substance abuse and limited employment prospects at its root. Although criminal felony filings have increased, the Court has not noted a significant increase in assaultive crimes.



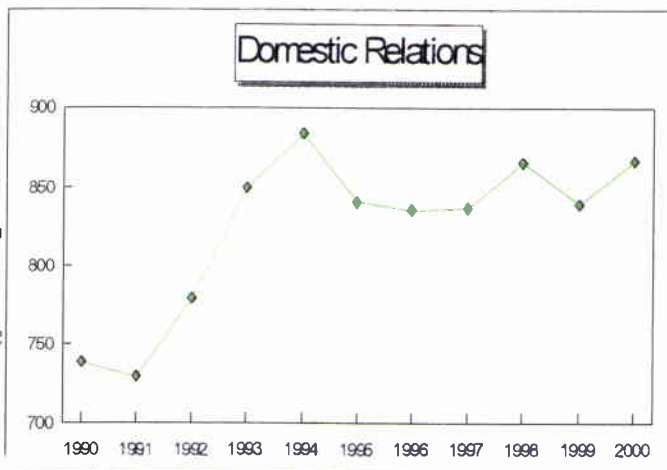
Correspondingly, there was a rise in juvenile crime in the late 1990's. However, this is somewhat misleading. Prior to 1998, civil infraction tickets for juvenile smoking, snowmobile violations, inappropriate skateboarding and the like were not reported in these figures. They are now. Unfortunately, the Family Division Judges have recognized an increase in serious juvenile crime, including assaults and malicious destruction of property. While the use of marijuana continues to be prevalent, drugs such as LSD and cocaine are seen less often.



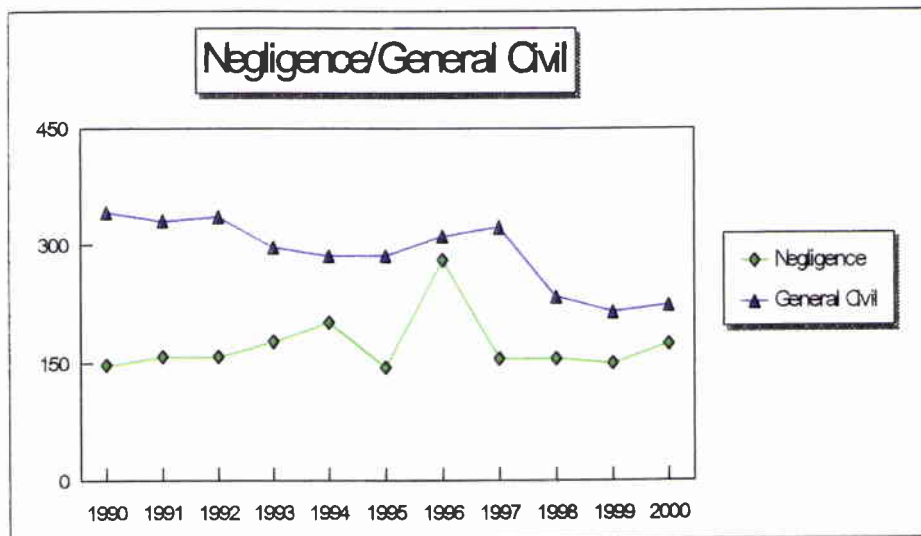
In 1990, in order to protect individuals from relationships characterized by physical abuse, mental abuse or stalking, the Legislature created the personal protection order. Requests for the orders were relatively modest until 1995. They have since become a dominant portion of this Court's overall case load. Fortunately, the

volume of orders requested does not correlate with the level of physical abuse and stalking within the community. While many such cases do exist, a significant number of persons overstate the nature of the problems they are having in their relationship and often recant their allegations immediately after a protective order is issued. Handling these orders takes up a great deal of staff time as well as judicial resources.

Recognizing the increase in population in the Thirteenth Circuit during the 1990's, it is not surprising to see an increase in the filing of divorce actions. However, the domestic relations caseload also includes paternity actions which arise when a child is born to unwed parents. While divorce filings peaked in 1993 and have since declined, paternity filings have steadily increased.



General civil cases constituted over 18% of the new case filings at the beginning of the decade.

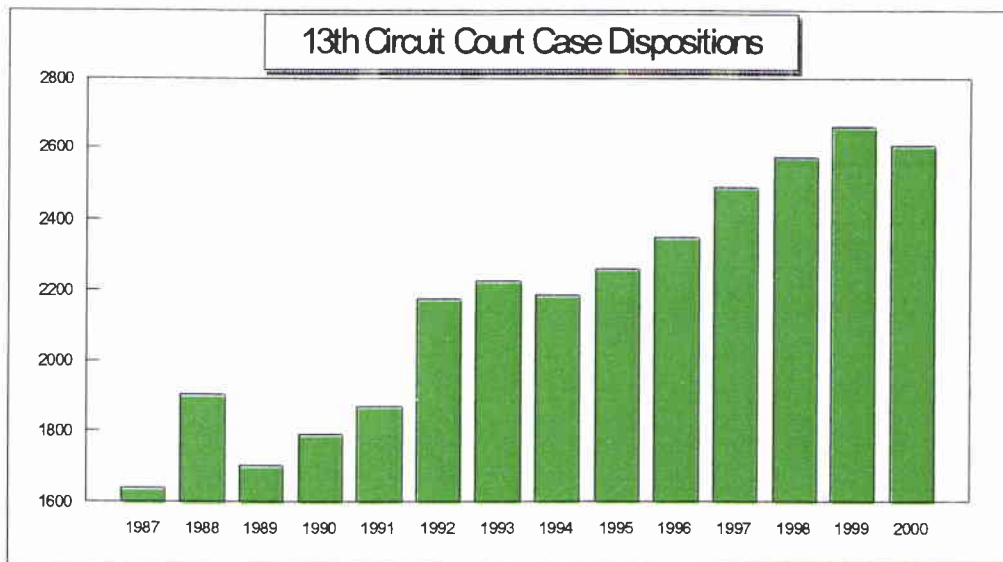
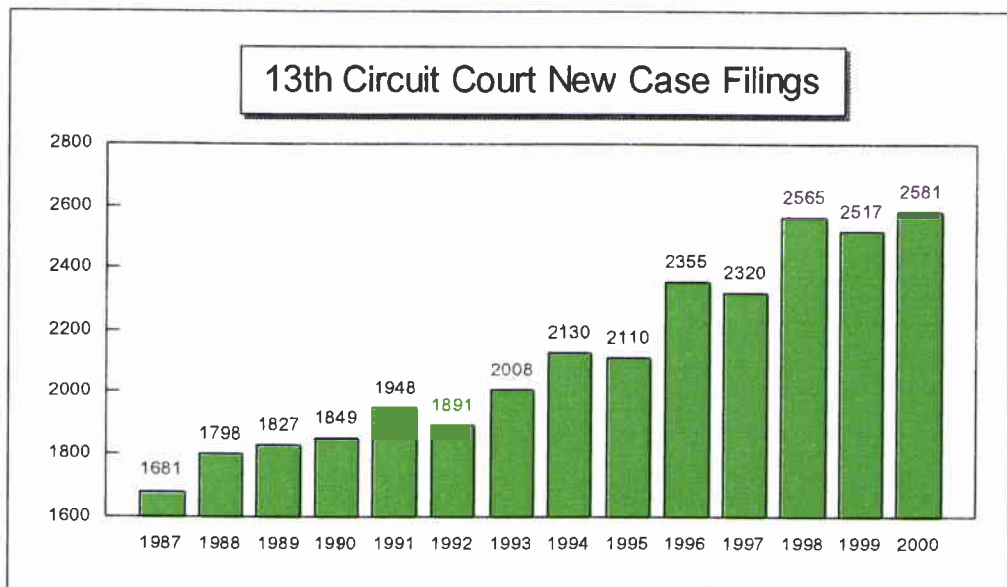


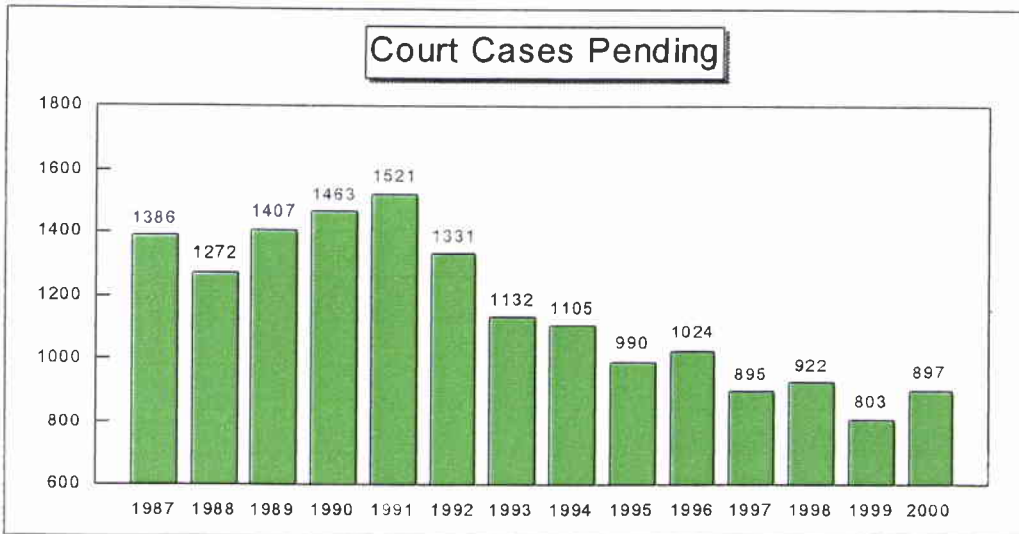
That proportion has gradually declined and general civil cases now account for only 8.7% of the total new case filings.

Negligence cases represent a relatively small fraction of the total annual case filings, but they are among the most complex and challenging

cases. Typical negligence cases include automobile trauma, medical negligence, premises liability and disputes regarding insurance coverage or benefits. The attention paid to these cases resulted in significant court reforms that were made effective for cases filed after the spring of 1996. Accordingly, as many cases as possible were filed prior to this time deadline which accounts for the late 1995 - early 1996 spike in negligence case filings. In 1996, negligence case filings constituted 12% of the Court's total filings. Since then, negligence case filings made up only 6% to 7% of the total annual case filings.

Overall, the Thirteenth Circuit is one of the busiest in the state. In 2000, there were 2581 new filings in the Circuit. This is 64 more new cases than were filed in 1999. Of these new filings, 1150 were Family Division domestic relations cases, including requests for personal protection orders. A total of 2605 cases were disposed of during 2000. Of these, 923 were Family Division domestic relations cases and domestic relations personal protection orders. The two Circuit Court Judges disposed of a total of 1715 cases for an average disposition rate of 857.5 cases per judge. The three Family Court Judges disposed of 890 domestic relations cases and domestic relations personal protection orders for an average disposition rate of 296.67 cases per judge. At the end of 2000, only 897 cases remained unresolved. None of the unresolved cases was older than 18 months.





JUDICIAL COMMISSION

The Circuit Judges and the Commissioners in the three counties that comprise the Thirteenth Circuit created an Inter-County Operating Agreement. The Joint Circuit Court Judicial Commission was established to act as a liaison committee among the counties and Judges to coordinate financial and administrative responsibilities between the counties and the Court. The Joint Judicial Commission consists of the Judges, court administrator, board chairperson, the chairperson of the Finance/Ways and Means Committee, County Administrator/Coordinator and Chief Administrative Fiscal Officer from each county. Each year during the budget preparation process, the Commission meets to review the proposed annual budgets. The Commission has the authority to recommend modification of the Inter-County Operating Agreement.



Joint Judicial Commission
2000 Budget Review

COURT FINANCES

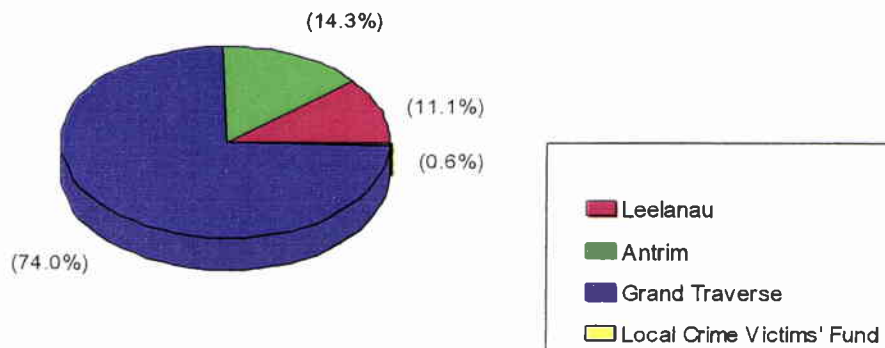
Grand Traverse County is the designated fiscal agent for the Thirteenth Circuit Court. Grand Traverse County is responsible for the processing, audit, verification, and payment of all operating expenses and for maintaining the Circuit Court Operating Fund. The expenses of operating the Court are divided into "cost-shared" and "cost-direct" expenses. Cost-shared expenses include such items as salaries and fringe benefits, office space, computer data processing, office supplies, and other capital expenditures. These expenses are paid for out of the Operating Fund. On a monthly basis, each county pays into the Fund its pro-rata share of actual expenses incurred. The pro-rata share of each county is the same proportion as the number of cases entered and commenced in that county. Cost-direct expenses include such items as Court appointed attorney fees, jury fees, witness fees, transcript fees, and courthouse security costs. These expenses are paid directly by each individual county.

In 2000, Antrim County transferred \$158,348 into the Operating Fund. Leelanau County transferred \$123,160. Grand Traverse County transferred \$820,201. The Local Crime Victims Fund accounted for \$ 6,349 in revenue. The Court's total revenue was \$1,108,058. Some of this revenue comes from the State. Some of it is generated through filing fees, fines and court costs assessed by the County Clerks' Offices. Some of it is generated through collection efforts to recoup costs, fines, appointed attorney fees, restitution, and crime victim payments in criminal cases. In this latter category, Antrim County collected \$ 133,526, Leelanau County collected \$ 51,515 and Grand Traverse County collected \$133,526.

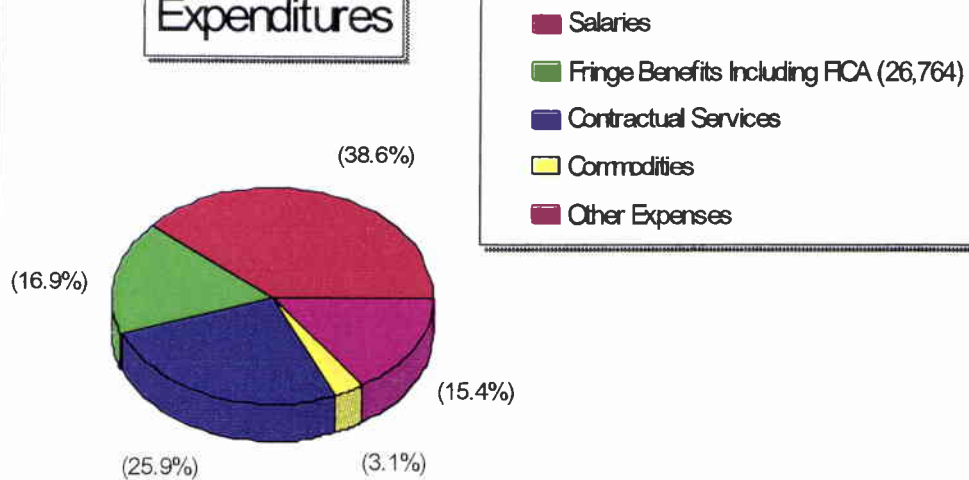
Expenditures for 2000 totaled \$1,108,492 and included:

\$ 427,983	Salaries for judicial, administrative and Friend of the Court staff.
\$ 187,632	(including FICA of \$24,641) in Fringe Benefits for judicial, administrative and Friend of the Court staff.
\$ 287,381	Contractual Services for payments for defense counsel and mediators, juror payments and mileage, equipment, furniture, travel, conferences, professional services, case-related payments, and other items central to administration and operation of the court.
\$ 34,680	Commodities primarily for postage and office supplies.
\$ 170,816	Other Expenses for non-controllable costs including such items as computer services, equipment rental, printing, utilities, and liability insurance.

Revenues



Expenditures



FAMILY DIVISION

Effective January 1, 1998, a Family Division was created within each circuit. The Family Division of the Circuit Court has jurisdiction over criminal cases involving minors, child abuse and neglect, guardianships of juveniles, adoption proceedings, and all domestic relations matters.

In Leelanau County, 161 new domestic relations cases were filed and 155 domestic relations cases were disposed of in 2000. In Antrim County, 234 new domestic relations cases were filed and 228 were disposed of in 2000. In Grand Traverse County, 502 new domestic relations cases involving minors were filed and 495 domestic relations cases involving minors were disposed of in 2000. In addition, 227 new domestic relations cases that did not involve minors were filed and 235 domestic relations cases that did not involve minors were disposed of in 2000. Of course, in addition to the domestic relations caseload, the Family Division Judges also have their Probate and Juvenile caseloads.

The assignment of all domestic relations cases, and the scheduling within those cases, originates in the Circuit Court Administrator's Office in Traverse City. The assignment of all other Family Division cases and the scheduling within those cases originates in the relevant local office of the Family Division. Each county maintains a local office of the Family Division which is staffed with an administrator. In Antrim County, the Family Division Administrator is William Hefferan. In Leelanau County, the Family Division Administrator is Betsy Fisher. In Grand Traverse County, the Family Division Administrator is Ann Mapes. Family Division records are maintained in the County Clerk's Office for each respective County.

DOMESTIC RELATIONS and JUVENILE REFEREES



Dennis Mikko and Cynthia Conlon are the Family Division Referees. In the summer of 2000, the Court merged the duties of the Referees so that both of the Referees preside over child abuse/neglect

cases, juvenile offender matters and all child-related issues in domestic relations cases. Implementing the shared duties required coordination in the scheduling of all Family Division matters in Grand Traverse County and represented a significant evolutionary step in maximizing Referee services in the Circuit.

In 2000, the Referees conducted approximately 94 hearings in custody and parenting time disputes and 1,113 show cause hearings regarding support. The Referees also reviewed 349 requests for personal protection orders. Objections to child care contributions and to medical reimbursement demands are also being set before the Referees. The Referees also conducted more than 792 delinquency proceedings and approximately 150 abuse/neglect proceedings.

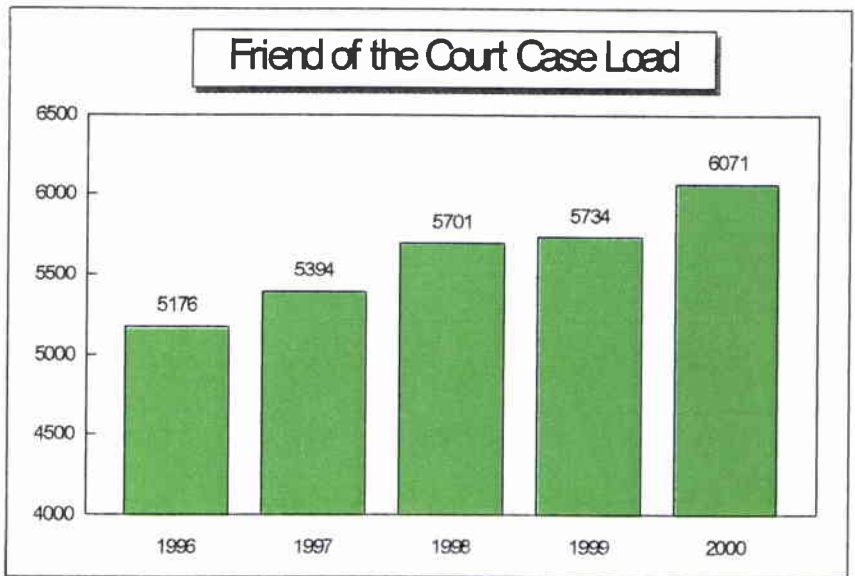
FRIEND OF THE COURT

Dawn M. Rogers is the Friend of the Court. The Friend of the Court Office (“FOC”) is responsible for representing the best interests of the children in those cases which come before the Circuit Court Family Division because of divorce, custody, child support, visitation or paternity disputes. The FOC case managers conduct interviews, gather financial information, mediate with parties and prepare written proposals offering their recommendations for review by the Family Division Judges as to what would be the best resolution possible for the children. Whenever the Court enters an order regarding custody, child support, visitation or paternity issues, the FOC is responsible for enforcing that order.



Back Row: Danielle Higgins, Julie DuBay, Referee Cynthia Conlon, Ellen Peters,
Lynne Stockwell, J. Paul Lezon
Middle Row: Gloria Van Hoose, Terri Andresen, Sandy Schaub, Sandra Sinclair,
Jennifer Overton, Dawn Willman
Front Row: Nanette Courson, Jeremy Hogue, Dawn Rogers, Al Crocker, Jayne Arnold

Over the years, the FOC case load has continued to increase. In 2000, 717 new cases were added to the caseload, 447 from Grand Traverse, 161 from Antrim and 108 from Leelanau. One Tribal Court was also added to the case load. New cases filed grew 3.2% over 1999. The total caseload for 2000 is almost 6100. Of those 368 or 51%



were divorces with minor children; 106 were filed under the Paternity Act and 144 were filed under the Family Support Act. Many cases filed under the Family Support Act are paternity matters where the father has acknowledged paternity. This category of cases, paternity matters, represents nearly 35% of the new cases filed in the 13th Circuit. The FOC Office keeps a case active until the youngest child in the family graduates from high school or turns 19 ½ years of age. Long after the divorce is over, FOC case managers continue to work with the parents and their children.

During 2000, a total of 646 (up from 617 in 1999) initial orders were prepared. This is an average of 54 initials each month. The average number of days between receipt of the pleadings and submission of a proposed order to the Court was approximately 23.4 days. In 78% of the new cases, an attorney (which could include the prosecuting attorney) represented the plaintiff. In 22% of the new cases, the parties had no attorney.

Of the initial orders generated by the FOC Office, 58% granted custody to the mother. This represents a 2% decrease from 1999. Of the other initial orders, 5% granted custody to the father and 16% provided for shared physical custody. The balance represent split cases, third party care and cases where custody of the children was reserved initially, usually due to the fact that the parties had not separated. In 50% of the initial orders, the parties agreed to custody at the initial conference. That is an increase of 9% over 1999 and a statistic of which the FOC Office is particularly proud.

The FOC Office conducted 965 support order reviews in 2000, an average of almost 80 reviews per month. The average number of days for the completion of a review was about 26.5. 25% of the reviews resulted in an increase of child support. In only 2% of the cases was there a deviation from the Michigan Child Support Formula and some of those were deviations upward. 38% of the reviews involved an issue of parenting time.

In 2000, a total of \$16,701,592.65 was charged in child support. That is a 6.6% increase over the amount of child support charged in 1999. Of the current charges, a total of \$12,797,196.65 was collected, resulting in a current charges to current collections ration of 76.6%. An additional \$3,526,133.83 was collected as child support arrearages. When collections on arrearages are added to current collections, the overall charges to collections ratio is 97.7%. Family Division Judges and Referees conducted 1,361 contempt hearings; 71 dealt with custody or parenting time violations and 1,237 dealt with support order violations. A total of 932 warrants were issued during 2000.

The FOC case managers provide formal and informal mediation services. They conducted 12 formal mediations in 2000. An agreement was reached as a result of 6 of those mediations. Two of the mediations were on-going at year end.

FOC Office projects/events in 2000 included the following:

- The FOC Office continues to offer the *Start Making It Liveable for Everyone* or SMILE Program locally six times each year. SMILE is an educational program designed to help divorcing parents help their children to cope and adjust. In the Thirteenth Circuit, participation in this program is mandatory. The FOC Office also maintains a list of qualified family counselors and, in cases of indigence, provides financial assistance for counseling services.
- A second Access and Visitation Grant was received in 2000, which allowed the Friend of the Court to continue working with Child and Family Services of Northwest Michigan to refer families for supervised parenting time as needed and facilitated the establishment of a new educational program for never-married parents, called Parents and Children Together (“P.A.C.T.”). The P.A.C.T. program was presented 11 times in calendar year 2000. Over 100 parents have attended the program. The program evaluations have been extremely favorable.
- The Friend of the Court office gained access to the State Data Warehouse, which is a central repository for information regarding payors of child support, social security numbers, birth dates, employment information, including new hire data, hunting and fishing and drivers license information, and locate information. This has been an important child support enforcement tool.
- The State Disbursement Unit (“SDU”), also known as “centralized collections,” was implemented by the State in November. Employers, rather than sending child support that is withheld from employees to the Friends of the Court around the State, now send that money to Lansing. Lansing then sends the money to the Friends of the Court for posting and distribution. SDU has resulted in delay in the processing of child support payments to parents and has forced the Friend of the Court Office to engage additional staff.

- The FOC Office has continued their ongoing development of a Policies and Procedures Manual, and the reviewing and revamping of forms, for the purpose of increasing consistency and providing a reference and training tool.
- The Case Management Assistants have continued to receive training in interstate enforcement. They regularly attend monthly meetings of FOC personnel involved in interstate enforcement.
- Referrals are being made to the Michigan Works! Programs to help noncustodial parents obtain jobs and job training.
- Initiatives for greater communication and cooperation between the Friend of the Court office and the Juvenile-Neglect/Abuse staff were taken.

The FOC Office faces many challenges as it heads into the 21st century. Funding continues to be the primary challenge. The FOC lost approximately \$80,000 in CRP revenue in 2000 because the federal government no longer funds activities related to custody and parenting time investigations or enforcement. The FOC anticipates a similar loss in 2001. Statutory fee revenue has declined substantially as well because federal regulations prevent paying statutory fees until all child support, current and arrears, is paid in full. Finally, incentive funds have also decreased, primarily because of penalties the State is paying for failing to develop a workable state-wide child support enforcement computer system.

COURT ADMINISTRATOR'S OFFICE

The Court Administrator's Office is the home of the many competent, dedicated members of the Court's staff who keep the Court running smoothly and efficiently. The Office is fully computerized and every member of the Administrator's Office staff is cross-trained and can perform the duties and responsibilities of other staff members when needed.

Court Administrator



MaryAnne Macy is the Court Administrator. As Circuit Court Administrator, MaryAnne acts as the Court's chief executive officer. She is responsible for facilities management, caseflow management, personnel and budgeting. She also acts as an administrative assistant to the Judges and implements policies and procedures which they propose.

MaryAnne has been instrumental in developing the Court's facilitative mediation program. She is a certified mediator and mediation trainer. On August 1, 2000, the new Michigan Court Rules related to Alternative Dispute Resolution ("ADR") were enacted. Having served on the Michigan Supreme Court Dispute Resolution Task Force which drafted the ADR Court Rules, MaryAnne then served on committees which guided statewide implementation of mediator training and standards for court ADR programs in Michigan. As a member of three-person panels presenting the ADR programs at various court levels, including the United States District Court for the Western District of Michigan, the Michigan Court of Appeals and a Circuit Court, MaryAnne assisted the Michigan Judicial Institute in educating judges, court administrators and ADR clerks about the new court rules.

Caseflow Management

All Court scheduling for the two Circuit Court Judges, the three Family Division Judges and the Referees is managed by Carol Devantier.

Matters included within the scheduling process are motion hearings, status conferences, settlement conferences and trials in domestic, civil and criminal cases. The Thirteenth Circuit strictly adheres to the Michigan Court Rules time lines and Administrative Orders regarding case flow management. In every

case, the Court's Scheduling Order sets forth the time line for the disposition of the case consistent with the time lines set by the State Court Administrator's Office ("SCAO.")

According to the Court's weekly calendar, Mondays are motion days with one of the two Circuit Court Judges hearing motions in Grand Traverse County and the other hearing motions in either Leelanau or Antrim County. Trials are scheduled for Tuesdays through Thursdays for all the counties. On Fridays, one Circuit Court Judge conducts Grand Traverse County criminal day and the other has settlement conferences in civil cases.

The Antrim County Family Division Court is generally in session the first Thursday of every month in Bellaire. The Leelanau County Family Division Court is generally in session the third Wednesday of every month in Leland. The Grand Traverse County Family Division Court is generally in session the first and third Fridays of every month in Traverse City.



Hearings are scheduled before the Domestic Relations Referee in whichever county the case is pending whenever an Order Referring to Referee has been prepared and mailed to counsel of record. The Referee typically hears matters pending in Grand Traverse County on the first and third Wednesdays and Thursdays of every month, in Leelanau County on the second Wednesday of every month, and in Antrim County on the fourth Wednesday of every month. Carol schedules all domestic relations matters referred to the Referee and she also schedules personal protection order hearings every Wednesday afternoon in Grand Traverse County.

Alternative Dispute Resolution



Norma Sandelius is responsible for administering the Court's alternative dispute resolution program. Norma monitors all civil and domestic relations cases after they are ordered into case evaluation and/or facilitative mediation. She also generates statistical reports which assist the court in tracking the rate of resolution of cases.

Case evaluation is a process by which a panel of three experienced attorneys review a case and issue an evaluation. The parties either accept or reject the evaluation. If both parties accept the evaluation, the case is resolved. If not, the case proceeds to trial. Norma is responsible for selecting the case evaluation panels and scheduling the case evaluations. In 2000, 251 cases were ordered to case evaluation. Of those cases, 119 were resolved prior to the case evaluation. A total of 68 cases were evaluated. Of those, 15 accepted the case evaluation and 4 were resolved before the response time had expired. The remaining 49 cases were not resolved through case evaluation. Of those, 15 were settled before the final settlement conference, 20 were settled at the final settlement conference, 7 were settled before the date of trial, and 6 went to trial, with one of those settling during the trial.

A total of 132 domestic relations cases were ordered into facilitative mediation. Of those, 54 cases were settled or otherwise resolved before the mediation hearing. Another 3 cases were removed from the mediation schedule by the assigned Judge and 8 cases are still pending. Of the 70 cases which were mediated, 46 settled during the mediation hearing and 2 reconciled after their mediation hearing.

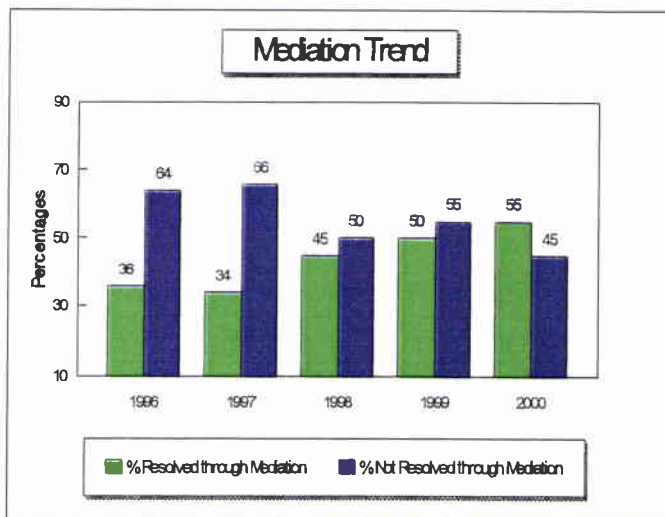
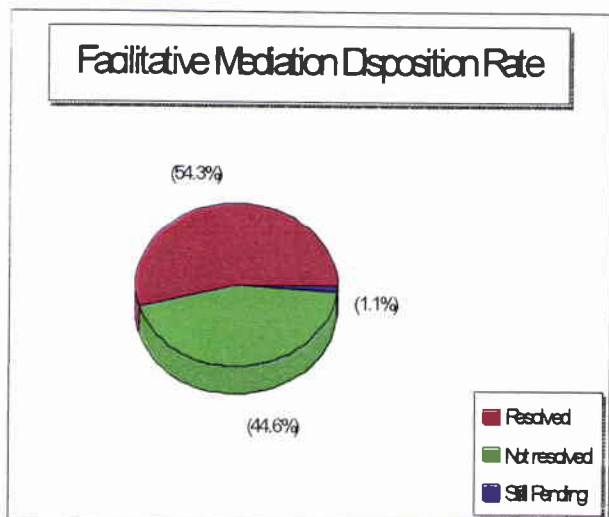
A total of 16 cases were resolved by the Court. Of those, 4 settled either at or before the final settlement conference, 3 settled before trial, 7 settled the day of trial and 2 went to trial.

As shown by the graphs below, 133 civil cases were ordered into facilitative mediation in 2000. Of those, 40 were settled or otherwise resolved prior to mediation. A total of 91 (up from 65 in 1999) cases were mediated. Of those, 50 cases or 55 % (up from 47% in 1999) were resolved and 41 cases or 45% (down from 52% in 1999) were not resolved.

Mediation, case evaluation and final settlement conferences result in the resolution of a large number of cases, thereby reducing taxpayer cost by reducing the overall need for jurors, compensation for lay and expert witnesses in criminal cases and delaying the need for additional judges and courtrooms.

In August, the Michigan Supreme Court amended and enacted a series of Court Rules providing for court-annexed Alternative Dispute Resolution (“ADR”). ADR is any process other than a court adjudication used to resolve a dispute. Although there are many forms of ADR, the Court Rules specifically provide for Court ordered case evaluation, mediation and final settlement conference. Although these processes are nothing new to the 13th Circuit, the Rules specifically authorize the Court to refer cases to ADR and require that the Court have an ADR Plan describing how the court will provide ADR services.

Barbara Budros drafted the 13th Circuit Court’s ADR Plan. The Plan was approved by Chief Judge Thomas G. Power in December and forwarded to the State Court Administrator’s Office for approval. The Plan will take effect on January 1, 2001.



Judicial Secretary



Julie Arends is the Court's detail person. She is the Judicial Secretary in the Court Administrator's Office. She transcribes and types all judicial decisions, orders and correspondence. In addition, she reviews divorce cases that are pending in the Circuit Court prior to their hearing dates to determine whether the parties are in compliance as to service, notice and preparation of judgment. Julie also prepares pre-trial worksheets and final settlement conference worksheets. Julie is cross-trained to function as both Circuit Court Specialist and ADR Clerk.

Circuit Court Specialist

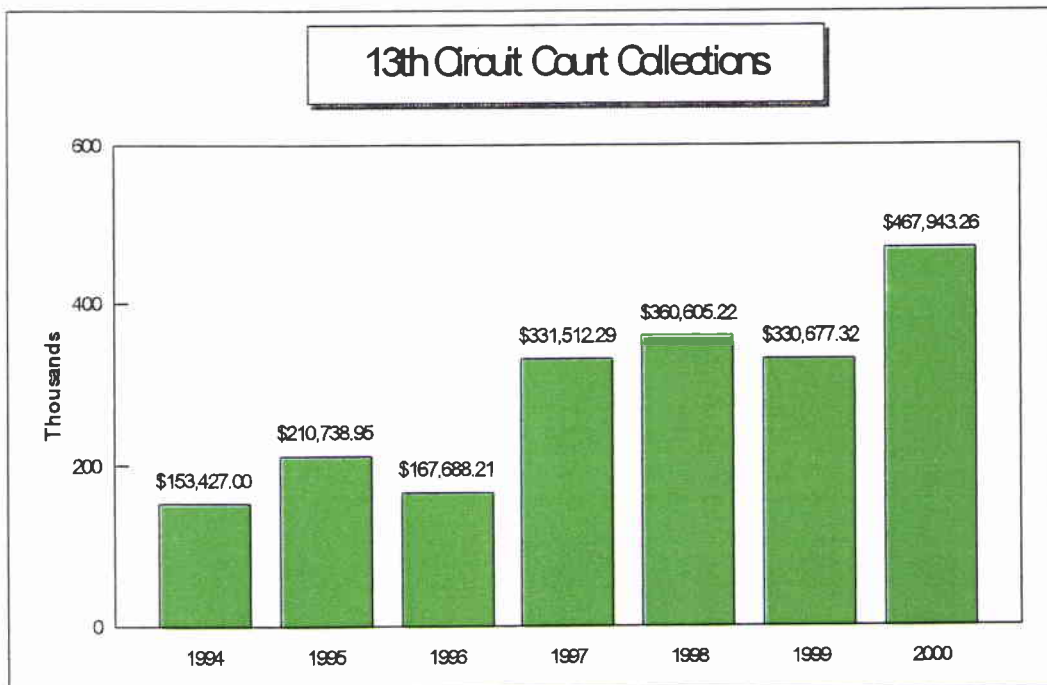
Carrie Hahn is a Circuit Court Specialist. She is responsible for answering the telephones, greeting litigants and their counsel, scheduling final divorce hearings, preparing and posting daily dockets, and reviewing and distributing daily incoming mail. She also assists in transcribing the Judges' notes, decisions, and other works. She docket attorney-noticed motions and expedites personal protection orders. Carrie fulfills a vital role in case management. She keeps the Judges' calendars updated, follows up on judgments and dismissals when due, and manages courtroom and court reporter assignments.



Collections Manager



Teri Quinn manages the Court's highly successful program to collect fines, costs, attorney fees and restitution from convicted felons. The program has been in place for seven years. Teri was instrumental in developing the computer program for receipting money due and reconciling those receipts against collections' records of amounts owed. The total amount collected through the program since its inception seven years ago reached the \$2 million mark this year. \$467,943.26 was collected in 2000 alone.



Judicial Assistants

Each of the Circuit Court Judges employs a full time Judicial Assistant who assists the Court through legal research, memoranda and draft opinion writing, and fulfilling jury bailiff responsibilities during jury trials. Each Assistant works with the Judge in the preparation of the Court's civil scheduling conference order, so that realistic time frames are established for the progress of litigation through discovery, mediation, arbitration, final settlement conference, and trial. The Judicial Assistants may work directly with the litigants and their attorneys during the settlement conferences to facilitate the resolution of cases before trial. The Judicial Assistants are available to answer the questions of counsel regarding the Court's local policies and procedures.

Mike Rader is Judge Power's Judicial Assistant. Prior to working for the Court, Mike worked for a local private law firm. Mike has been with the Court for more than 14 years.



Barbara Budros is a Judicial Staff Attorney to Judge Rodgers. Barbara is an attorney and is licensed to practice law in Texas and Michigan. She has a background in both criminal prosecution and civil litigation. Barbara is a trained facilitative mediator and authored the Court's ADR Plan. She also serves on the local bar association's ADR Committee. Barbara has been the writer, editor and photographer of the Court's Annual Report since 1998.



Court Reporters



The Court employs two full time Court Reporters, Karen Carmody and Julia Howard. Karen Carmody joined the Court in 1998. She replaced Chris Sherwin when she got married and relocated to Philadelphia. Julia Howard joined the Court this year to fill the void created when the Court's long-time reporter Mike Miller retired. Julia is married and moved to Traverse City from Wisconsin.

JURY BOARD

Each of the three counties within the Circuit has its own three member Jury Board. The members of the Jury Boards are appointed by the Governor for six-year terms. The members of the Grand Traverse County Jury Board are Nancy Muha, Amanda Pouzar, and Virginia Watson. The members of the Leelanau Jury Board are Al Porter, Inez Kirt, and Emma Grindstuen. The members of the Antrim County Jury Board are Cathleen Beal, Maxine Ouvey, and Margaret VanLooy.

Each Jury Board obtains the names of prospective jurors from the Secretary of State list of licensed drivers and is responsible for sending out the original juror questionnaires for their respective county. After the original questionnaire is returned, the Jury Boards pull the names of the jurors for their Circuit Court, District Court and Probate/Family Court.

The County Clerk's Office in each county is responsible for actually summoning the jurors for a particular court panel. The County Clerk's Office is also responsible for following up with any jurors who fail to return their initial questionnaires or who fail to appear when summoned.

PROBATION DEPARTMENT

Probation officers who assist the Circuit Court are employees of the Michigan Department of Corrections. There are probation officers for each of the three counties and they are located in an office in their respective county. There are a total of nine probation officers who each supervise an average of 360 clients per month.



Leelanau County: Steve Brett
with Linda Lautner



Antrim County: Jim Ribby, Sarah Lorigan,
Christa Gaugler



Grand Traverse County: Nancy Bogart-Thorpe, Linda Lautner,
Tom Chapman, Chuck Welch, Billie Cooper

The probation officers are responsible for preparing a pre-sentence investigation report regarding each defendant which includes an interview and statement from the defendant and information regarding the defendant's background, including family, education, physical characteristics and previous criminal history. The Court utilizes the report when determining an appropriate sentence. In 2000, a total of 301

pre-sentence investigation reports were completed by the Probation Department for an average of 25 pre-sentence investigation reports per month. In addition, a total of 47 new conviction and delayed sentencing updates were prepared for an average of 3.91 new conviction and delayed sentencing updates per month. There were also 119 probation violations initiated in 2000 for an average of 9.91 probation violations initiated per month.

The following is a list of crimes for which individuals were sentenced in 2000, along with a tally for each type of crime:

CRIME TYPE	NUMBER CHARGED	
CRIMES AGAINST A PERSON		
Murder	1	
Solicitation of Murder	1	
Manslaughter with a Motor Vehicle	1	
Driving with Exp/Rev License Causing Serious Injury Accident	1	
Failure to Stop at a Personal Injury Accident	1	
Negligent Homicide	3	
Aggravating Stalking	1	
Aggravated/Felonious Assault	10	
Unarmed Robbery	1	
Home Invasion	9	
Larceny from a Person	3	
Resisting & Obstructing a Police Officer	15	
Domestic Violence	1	
Child Abuse	4	
Criminal Sexual Conduct	36	
Gross Indecency	<u>16</u>	
		104
CRIMES AGAINST PROPERTY		
Enter without Breaking	14	
Breaking and Entering Building/Unoccupied Dwelling	48	
Breaking and Entering Coin Operated Device	1	
Larceny from a Building	19	
Larceny from a Motor Vehicle	7	
Larceny Over \$100	6	
Larceny by Conversion	1	
Receiving and Concealing Stolen Property	5	
Stealing/Using/Possessing Unauth. Financial Transaction Device	13	
Uttering and Publishing	25	
False Pretenses	3	
Embezzlement	10	
Forgery	2	
Forgery of a Vehicle Documents	1	
Welfare Fraud	3	
NSF Checks	4	
No Account Checks	1	
UUMV; UDAA; UUA	21	
Arson	3	
Malicious Destruction of Property	<u>11</u>	
		195

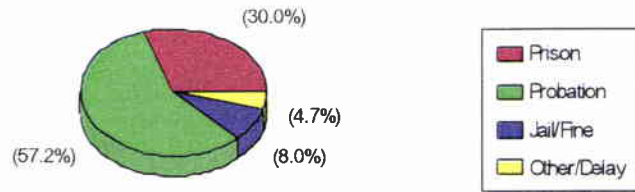
CRIMES INVOLVING A CONTROLLED SUBSTANCE		
Marijuana	30	
Cocaine	10	
LSD	3	
Schedule II Narcotic	1	
Heroin	2	
Delivery to a Minor	1	
Obtain by Fraud	2	
Maintain a Drug House	<u>7</u>	
	56	
CRIMES AGAINST PUBLIC ORDER		
False Report of Felony	1	
Desertion and Abandonment	5	
Fail to Obey Police Officer	1	
Obstructing Justice	<u>2</u>	
		9
CRIMES AGAINST PUBLIC SAFETY		
OUIL 3 rd	83*	
Felonious Driving	3	
OUIL with Occupant Under 16	1	
OUIL - Snowmobile	1	
OUIL Causing Serious Injury	1	
Operating Visually Impaired 3 rd	1	
Felon in Possession of a Firearm	4	
Carrying a Concealed Weapon	8	
Possession of a Dangerous Weapon	3	
Possession of a Taser	1	
Escape	4	
Fleeing and Eluding a Police Officer	<u>15</u>	
		125
CRIMES AGAINST PUBLIC TRUST		
Perjury	1	
	<u>1</u>	
		<u>2</u>
TOTAL		489

*Of the 83 OUIL 3rd defendants, 8 were probation violators. A total of 27 OUIL 3rd defendants were sent to prison. Seven of those were probation violators whose probation was revoked. The other probation violator had his probation revoked and was sentenced to 11 months in the county jail. The remaining OUIL 3rd defendants were all sentenced to probation after a substantial jail term of up to 12 months.

A total of 422 individuals were responsible for these crimes. Of those, 86 were felony probationers. The Probation Department prepared a pre-sentence investigation report for each defendant for an average of 35.2 pre-sentence investigation reports per month. In addition, there were an average of 7.2 probation violations initiated per month.

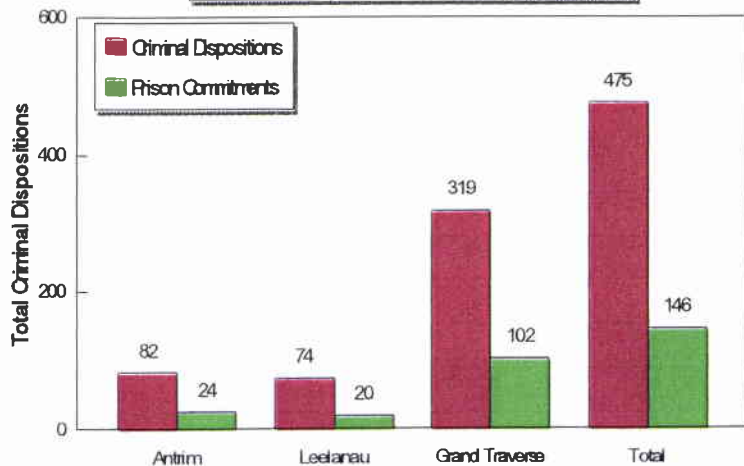
Of the 486 sentences handed down by the Circuit Court in 2000, 146 were prison sentences, 278 were probationary sentences involving substantial jail time, 39 were jail time only, and 23 were other types of sentences including delayed sentences.

Total 13th Circuit Court Felony Disposition



The 2000 prison commitment rate was 31.08% in Antrim County, 24.39% in Leelanau County, and 31.97% in Grand Traverse County, for an overall commitment rate of 29.14% for the Thirteenth Circuit. The Circuit historically accounts for a very small percentage of the total prison commitments in the State, but exceeds the overall State prison commitment rate. Commitments to prison in excess of the State rate reflect the Court's and the community's philosophy that serious crime receive meaningful and proportionate punishment.

Prison Commitment Rate



The Probation Department also assists the Collections Clerk in her efforts to recover costs and restitution and works closely with the Office of Community Corrections to begin the rehabilitative process by setting up and supervising clients on early release programs, including tether, or substance abuse treatment. Community Corrections saved 20,406 County jail bed days (55.9 daily) during the 1999-2000 fiscal year.

COUNTY LAW LIBRARIES

In each of the three counties, the Judges and their staff have access to the respective County Law Library. The Grand Traverse County Law Library is located on the fourth floor of the County Courthouse in Traverse City. It operates in a partnership with the Grand Traverse-Leelanau-Antrim Bar Association, Grand Traverse County, and the Traverse Area District Library. The Law Library includes modern computer research capabilities and is open to the public from 12:00 noon to 5:00 p.m. weekdays. Grace Rudd is the Law Librarian. The Library also houses the Bar Association's Traverse Attorney Referral Service.

Judge Rodgers, Staff Attorney Barbara Budros and Librarian Grace Rudd serve on the Advisory Board for the Northwestern Michigan College Paralegal Program. The NMC Paralegal Program legal research class meets in the Law Library during the fall semester and the students' laboratory fees are used to purchase additional resources for the library. Tina Braden of the Leelanau County Prosecuting Attorney's Office initiated a full review of the Leelanau County Law Library's resources. With the Court Administrator MaryAnne Macy's assistance, the contents and procedures for the library were reviewed by Judicial Assistant Michael Rader and Grand Traverse County Law Librarian Grace Rudd. Such coordination assures that adequate legal research resources are available throughout the three-county Circuit.

CONTINUING LEGAL EDUCATION

The Thirteenth Circuit Court is involved in the Grand Traverse-Leelanau-Antrim Bar Association continuing legal education seminars. The Circuit Court Judges provide support for a special interest legal education seminar each year. In 2000, Judge Rodgers compiled a summary of the last several years of civil trial results and graphed various segments of the Court's caseload. On February 12, Judge Rodgers presented a program at the winter meeting of the Michigan Trial Lawyers Association in Gaylord. The subject of that presentation was tort trends and a northern Michigan overview of verdicts in negligence trials or personal injury trials. On May 4, 2000, he shared this information with the local bar association in a seminar designed for discussion of local trends in tort litigation and settlement values in the context of anecdotal evidence regarding past cases and objective statistical depictions of caseload trends.

SPECIAL EVENTS, AWARDS AND RECOGNITIONS

LIBERTY BELL AWARD

Every year on Law Day, the Grand Traverse-Leelanau-Antrim Bar Association organizes various activities which help to introduce members of the general public to the legal system and legal profession. The Bar organizes tours of the Governmental Center, Law Enforcement Center, Courthouse, and County Law Library. The Bar staffs an "Ask the Lawyer" forum at the local mall and a panel to meet with senior citizens to answer their law-related questions.

Every year a member of the community is honored as the recipient of the Liberty Bell Award. At the Law Day breakfast, this award is presented to a non-lawyer for his/her contribution to the community and to the legal system. This year, Chaplain Bob and Jamie Hall were the recipients of this award. Chaplain Bob and his wife Jamie are clergy for the Forgotten Man Ministry, a nationally recognized organization that tries to bring Christianity to people serving jail or prison sentences. Bob Hall has been a Grand Traverse jail chaplain for 35 years while his wife, Jamie, has been working with him for 15 years. In 1997, Chaplain Hall was invited to implement the same program in Leelanau County and he did.

15 YEAR SERVICE AWARD



Carol Devantier of the Court Administrator's Office was presented with a framed etching of the Grand Traverse County Courthouse in commemoration of her 15 years of service to the Court.

RETIREMENTS

Mike Miller

Retiring Court Reporter Mike Miller was honored with a special luncheon prepared and shared by the members of the Court's staff. Mike was also presented with a framed etching of the Grand Traverse Courthouse in commemoration of his thirty years of service to the Court. During his tenure with the Court, Mike reported for five different circuit court judges, beginning with Judge Charles L. Brown in 1967. He also served Judge James M. Fitzpatrick, Judge William R. Brown, Judge Charles M. Forster, Judge Philip E. Rodgers and Judge Thomas G. Power.

During the course of Mike's employment, court reporters advanced from reading their notes into a tape recorder so that they could be transcribed to the utilization of computer assisted software that substantially lessened the burden of timely transcription. Mike was a consummate professional who respected the dignity of the proceedings before him and the confidentiality associated with court work.

Mike and his wife very much enjoy spending time out of doors and the Judges and Court's staff hope that they are enjoying a well-deserved retirement.



Judge John D. Foresman

After many successful years of serving the citizens of Grand Traverse County first as Prosecuting Attorney and then as Probate Judge and finally in the combined capacity as Probate Judge and Family Division Judge, the Honorable John Foresman choose to retire to spend more time with his family. His final term expired December 31, 2000. Second only to the law, Judge Foresman's passion is golf. The Judges and all of the Court's staff wish Judge Foresman a long, healthy and successful retirement.

Acknowledgment

The Court would like to acknowledge and thank Mark Bonter of Copy Central for his professional assistance and excellent job printing this year's annual report.